

03-02-04

2829

Murray Leonard, E.E. P.E.

Consulting Services for the legal Profession

Depositions and case studies analyzed

Patent applications prepared

Forensic engineering

Registered Patent Agent

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COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VA. 22213-1450

RE: 09/902,318


Dear Sir:

When I received the attached non-compliance notice, I could not understand what was non-compliant or why. My first written response erroneously put each claim on a separate page, as that was what I thought was the non-compliance.

Before mailing, I called and spoke with Sherry Davis, the name on the action, and she advised me that the non-compliance was the fact that the claims were not begun in a separate sheet, and the abstract was not on a separate sheet. (All claims must remain together) I recovered the submission from my files, and the necessary items were, in fact, begun on separate sheets.

I am including copies of the original application specification documents in question, a copy of the RED printout, showing what changes had been made to the original (amendments of the claims) herein, and I trust, having these will show that the application has been proper for publication.

Thank you.


Murray Leonard, Agent
reg. No. 39,515



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**ATTENTION MS SHERRY A. DAVIS
LEGAL INSTRUMENTS EXAMINER (LIE)**

RE: 09/902,318

Dear Mrs Davis:

As you requested, I attempted to fax you the necessary information, but the fax would not go through to the number that you gave me, I am including the return sheet from my fax machine for your perusal, as "proof" that I did after all, attempt to respond to your request,

Thank you.

Murray Leonard
Murray Leonard, Agent
reg. No. 39,515

*** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

TX/RX NO	0338	
CONNECTION TEL		5712731566
CONNECTION ID		
ST. TIME	02/27 16:08	
USAGE T	00'00	
PGS. SENT	0	
RESULT	NG	#018

PTO-900 (Rev. 10/03)



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Please find below and/or attached an Office communication concerning this application or proceeding.

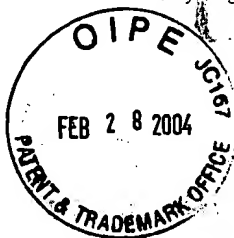


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,318	07/10/2001	Gary Jungwirth	M-568	9567

7590 01/29/2004
Murray Leonard
Patent Agent
8360 Winter Springs Lane
Lake Worth, FL 33467



EXAMINER

NGUYEN, VINH P

ART UNIT PAPER NUMBER

2829

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

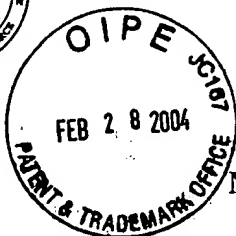
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 7/22/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

____ Sherry A. Davis
Legal Instruments Examiner (LIE)

____ 571-272-1566
Telephone No.